

- Exhibit A: A copy of the Citation and Complaint.
- Exhibit B: A copy of the Statement of Inability to Afford Payment of Court Costs or an Appeal Bond.
- Exhibit C: A copy of PayPal's Original Answer and Affirmative Defense to Plaintiff's Complaint.
- Exhibit D: A copy of the Case History of the State Court Action.
- Exhibit E: Consent of Removal from eBay, Inc.
- Exhibit F: Answer of eBay, Inc.
- Exhibit G: Notice of Filing Notice of Removal

3. This Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b)(1) because it is filed within 30 days following PayPal's receipt of the Complaint.

4. Pursuant to 28 U.S.C. § 1446(b)(2)(A), all properly joined and served defendants consent to the removal of the State Court Action. PayPal files this removal on behalf of "Pay Pal" and "paypal.com," and eBay Inc., incorrectly named as "eBay" and "ebay.com" in the Citation and Complaint, has consented.

5. This District is proper because it is the district court of the United States for the district and division embracing Bexar County, Texas, the place where the State Court Action is pending. *See* 28 U.S.C. § 1441(a).

6. Contemporaneously with the filing of this Notice of Removal, a copy of the Notice of Removal is being provided to the 285th Judicial District Court in Bexar County, Texas and all parties in accordance with 28 U.S.C. § 1446(d).

Diversity Jurisdiction Removable Pursuant to 28 U.S.C. § 1441(b)

7. Removal jurisdiction exists on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332(a) because there is complete diversity of citizenship and the minimum amount in controversy is met.

8. There is complete diversity of citizenship because no defendant is a citizen of the same state as the plaintiff.

(a) At the time this action was commenced, and at all times since, Defendant PayPal was and is a Delaware corporation with its principal place of business in California. For diversity purposes, PayPal is a citizen of Delaware and California. *See* 28 U.S.C. § 1332(c)(1) (a corporation is considered “a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business”).

(b) At the time this action was commenced, and at all times since, Defendant eBay Inc. was and is a Delaware corporation with its principal place of business in California. For diversity purposes, eBay Inc. is a citizen of Delaware and California. *See* 28 U.S.C. § 1332(c)(1).

(c) At the time this action was commenced, and at all times since, Plaintiff Angel L. Suarez-Moreno (“Plaintiff”) was and is a citizen of Texas. *See* Ex. A, Compl., at p. 1 (stating Angel L. Suarez resides in Live Oak, San Antonio, Texas). For the purposes of diversity jurisdiction, a person is considered a citizen of the state where the person is domiciled. *Preston v. Tennet Healthsystem Mem. Med. Ctr.*, 485 F.3d 793, 797 (5th Cir. 2007); *see also* 28 U.S.C. § 1332(a)(2). Upon information and belief, Plaintiff was and is domiciled in the same state as his residence.

9. The amount in controversy is also met because Plaintiff alleges that he seeks monetary relief that exceeds \$75,000, exclusive of interest and costs. 28 U.S.C. § 1332(a); Ex. A, Compl., at p. 1 (alleging “the amount in controversy exceed[s] 1 Million dollars”).

10. To the extent necessary, the Court may exercise supplemental jurisdiction over the putative class members' claims as they "form part of the same case or controversy." *See* 28 U.S.C. § 1367(a).

Federal Question Jurisdiction Removable Pursuant to 28 U.S.C. § 1441(c)

11. Removal jurisdiction exists on the alternative basis of federal question jurisdiction pursuant to 28 U.S.C. § 1331 because Plaintiff alleges antitrust violations, which upon information and belief, arise under the antitrust laws of the United States, and specifically under 15 U.S.C. § 2. *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987) (well-pleaded complaint rule allows removal to federal court when a federal question appears on the face of the plaintiff's Complaint); *see also* Ex. A, Compl., at p. 4 (alleges a "monopoly" and "antitrust practices").

12. To the extent Plaintiff seeks relief for any state law claims, this Court has supplemental jurisdiction over such claims as they "form part of the same case or controversy." *See* 28 U.S.C. § 1367(a).

WHEREFORE, pursuant to 28 U.S.C. §§ 1332, 1367, 1441, and 1446, Defendant PayPal, Inc. respectfully requests that the State Court Action be removed to this Court.

Respectfully submitted,

By: /s/ Chalon Clark
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all known counsel of record via CMRRR on this the 10th day of December, 2020 as follows:

/s/ Chalon Clark
Chalon Clark